AMENDMENTS TO THE SPECIFICATION

Please replace the paragraph at page 4, lines 13-24 with the following rewritten paragraph:

In the X-ray diffraction obtained with ~~CuKα~~ $CuK\alpha_1$ radiation, the alloy to be used in the present invention has peaks which lie in the ranges of $30.1° \leq 2\theta \leq 30.4°$ and $30.5° \leq 2\theta \leq 30.8°$. The peak lying in the range of $30.1° \leq 2\theta \leq 30.4°$ is attributed to Sn_4Ni_3 and the one in the range of $30.5° \leq 2\theta \leq 30.8°$ is attributed to Sn. Only Sn phase is capable of inserting/extracting Li reversibly, and Sn_4Ni_3 phase is not. Sn_4Ni_3 phase serves as the matrix capable of electronic conduction which supports Sn phase and, in the charge/discharge reaction of Sn phase, the matrix of Sn_4Ni_3 phase holds the crystalline structure; therefore, the charge/discharge cycle performance of Sn-Ni alloy is believed to improve. In the X-ray diffraction pattern, a peak indicates a local maximal value of diffraction intensity.

Please replace the paragraph at page 16, lines 9-21 with the following rewritten paragraph:

In addition, peaks in an X-ray diffraction pattern were noted to lie in both ranges of $30.1° \leq 2\theta \leq 30.4°$ and $30.5° \leq 2\theta \leq 30.8°$; in Batteries (A) to (D) of Embodiments 1 to 4, where the alloy containing Sn_4Ni_3 phase and Sn phase is used as the negative active material, the capacity retention at the 30th cycle was found to be as high as 95 % or more. On the other hand, in Battery (H), where the peak lay only in the latter range, the capacity retention at the 30th cycle was found to be as remarkably low as 20%. XRD analysis was conducted by means of a powder diffraction method with $CuK\alpha_1$~~CuKα~~ radiation, and the finding that the above described two

layers were contained in the alloy was confirmed by using EPMA, as well as the peak analysis by XRD. Hereinafter, for the materials prepared by means of ball milling, confirmation was performed in the same manner.

Please replace the paragraph at page 16, lines 23-36 with the following rewritten paragraph:

In this example, Cu foil of 27 mm in width and 14 μm in thickness was immersed in a commercially-manufactured Sn-Ni plating solution (Kojundo Chemical Lab. Co., Ltd., SNS-200E). After that, using the Sn-Ni alloy containing 28 mass% of Ni in the counter electrode, electricity was conducted so that the cathode current density becomes 2 A/dm^3, and Sn-Ni alloy was synthesized on the Cu foil. After washed with ion exchange water, this material was dried at 150 °C, and thus the negative electrode was prepared. As a result of conducting the quantitative analysis of element, the composition of this Sn-Ni alloy was found to be 85 mass% of Sn and 15 mass% of Ni. In addition, in the X-ray diffraction pattern of this Sn-Ni alloy, the peaks due to $\underline{CuK\alpha_1}$ ~~CuKα~~ radiation lay at $2\theta = 30.3°$ and $30.6°$. Except for using this negative electrode, Battery (J) of Embodiment 5 was manufactured in an identical manner to that of Embodiment 1.

Please replace the paragraph at page 21, lines 1-5 with the following rewritten paragraph:

The obtained button-like solid was polished until the surface had a metallic luster, the polished one was then ground, and thus alloy X was obtained. From the X-ray diffraction pattern

(X-ray source: CuKα_1~~CuKα~~, and measurement range: $28^\circ \leq 2\theta \leq 42^\circ$) shown in Fig. 5, it was noted that this material contained only Sn phase and Sn_4Ni_3 phase.

Please replace the paragraph bridging pages 31 and 32 with the following rewritten paragraph:

From the X-ray diffraction pattern (X-ray source: CuKα_1~~CuKα~~, and measurement range: $28^\circ \leq 2\theta \leq 42^\circ$) shown in Fig. 8, it was noted that this alloy Y contained only Sn phase, Sn_4Ni_3 phase and Ag_3Sn phase. The quantitative analysis of element was conducted for this alloy Y using ICP emission spectrometry. Supposing that the masses of Sn, Ni and Ag elements are defined to be p mass%, q mass% and r mass%, respectively, and that the masses of Sn phase, Sn_4Ni_3 phase and Ag_3Sn phase in alloy Y are defined to be v mass%, w mass% and u mass%, respectively. This alloy Y consists of only Sn phase, Sn_4Ni_3 phase and Ag_3Sn phase; hence the following relational expressions are formulated between them.